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Chairman: Mr. Wolfe ..... (Jamaica)

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The meeting was called to order at 3.10 p.m.

Agenda item 65: Report of the Human Rights Council (A/62/53)

1. **The Chairman**, before giving the floor to the President of the Human Rights Council, informed the Committee that he had received a letter from the President of the General Assembly (to be issued as document A/C.3/62/1/Add.1) stating that the General Assembly had decided that, for its sixty-second session, agenda item 65, entitled "Report of the Human Rights Council", would be allocated to the Third Committee.

2. **Mr. Costea** (President of the Human Rights Council), having paid tribute to his predecessor, said that the establishment of the Council had been both a collective endeavour, which had called for the creativity of Member States, and a challenge to change ways of thinking that had prevailed for 60 years and had profoundly marked the institutional memory of United Nations human rights defenders. He emphasized the increasing importance of issues related to economic, social and cultural rights and, in particular, the adoption of several resolutions on health, access to medication, the right to development and extreme poverty. He drew attention to other issues considered by the Council during its first year, such as the right to the truth, the incompatibility between racism and democracy, and the integrity of the judicial system and of transitional justice. The Council had held several unprecedented special events during its fourth regular session, including on violence against children and on the Convention on the Rights of Persons with Disabilities. At its sixth session, the Council had also held a debate on integrating a gender perspective in its work. He noted that several meetings would be held shortly to ensure the continued work of the intergovernmental working groups on the right to development, on the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights and on the effective implementation of the Durban Declaration and Programme of Action.

3. He welcomed the fact that, in order to deal with serious human rights violations in the occupied Palestinian territories and in Darfur, the Council had adopted an approach which involved several special rapporteurs searching for the best ways to improve the situation. He also welcomed the holding of a special session on the situation of human rights in Myanmar.

4. He noted that the Council had been obliged to establish its own mechanisms and structures in order to become operational and to fulfil its mandate under resolution 60/251. The universal periodic review procedure, one such mechanism, was a unique procedure of its kind within the United Nations system which should allow the human rights situation in all Member States to be reviewed by 2011, starting from April 2008.

5. The review, rationalization and improvement of the special procedures mandates was also an important element of the work of the Council, which had established the requirements to become mandate holders and had initiated a call for applicants. The process of selecting and appointing new mandate holders would begin in March 2008.

6. The Council had also decided to replace the former Sub-Commission on the Promotion and Protection of Human Rights with an Advisory Committee composed of 18 members who would be elected taking into account geographical distribution, gender balance and appropriate representation of different civilizations and legal systems.

7. New mechanisms had also been put in place to ensure the continued work of the working groups of the former Sub-Commission: a new forum on minority issues; a Special Rapporteur on contemporary forms of slavery and a social forum. Discussions were ongoing on the mechanism needed to continue the work of the Working Group on Indigenous Populations. He also drew attention to the adoption of a new complaint procedure which was much more geared towards the victims of gross and reliably attested human rights violations. The Human Rights Council had also established its own annual programme of work, rules of procedure and methods of work.

8. Having established the necessary institutions, the Council must now meet the expectations of the victims of human rights violations, whose voices were not sufficiently heard.

9. The members and observers of the Council must uphold the strictest standards for the promotion and protection of human rights. The Council, one of the three pillars on which the United Nations relied, was a new body in an institutional environment that was over

60 years old. The establishment of a new institution was not an easy task but no effort should be spared when a body responsible for the protection of human rights was at stake, including when it came to choosing between what was easy and what was right.

10. **Ms. Vaz Patto** (Portugal), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Montenegro and Serbia; and, in addition, Armenia, said that the Human Rights Council, with its strong and ambitious mandate, should be guided by the principles of universality, impartiality, objectivity and non-selectivity, as well as by international dialogue and cooperation, in order to enhance the protection and promotion of human rights.

11. The presentation of the Council's report to the plenary Assembly at the current and previous session highlighted the Council's status within the United Nations system and the importance attaching to human rights. It was therefore to be hoped that another report would be presented to the plenary Assembly at its sixty-third session.

12. The Human Rights Council had de facto become a standing body. While its many activities clearly demonstrated the significance of protecting and promoting human rights, they likewise represented new challenges to the whole United Nations system and to Member States. It was commendable that the Council had dealt with numerous thematic issues related to human rights and had secured the further development of international human rights law and standards, but it had not yet really addressed some other questions of vital importance for the protection and promotion of human rights worldwide, such as freedom of expression, freedom of religion or belief, freedom of association, or the protection of human rights while countering terrorism. In keeping with its mandate, the Council had also examined the human rights situation in several countries. Human rights violations were not an abstract notion, but actually occurred in States which were under an obligation to protect and defend those rights. Consequently, the Council should engage in a dialogue with the Governments of those countries whenever possible. Nevertheless, in order to fulfil its mandate and maintain its credibility, the Council should not remain silent and paralysed when Governments refused to cooperate. With reference to the situation in Darfur and the Council's action in response to it, she was of the opinion that the Council should continue to work in a spirit of openness and cooperation and take a creative approach in order to find new ways of effectively making a difference on the ground and of protecting the victims of human rights violations. In addition to special sessions and the resolutions adopted at them, country visits by thematic special rapporteurs and the interactive dialogues held with special procedures mandate holders had helped to raise the international community's awareness of human rights violations. In future, the Council should never shy away from investigating serious human rights violations, wherever they might occur.

13. The European Union was deeply concerned about the human rights situation in the Occupied Palestinian Territory, but it doubted that the numerous unbalanced resolutions which had been adopted would help to improve conditions on the ground.

14. Institution-building had been one of the Council's main achievements during the period under consideration. For that reason, she was pleased that resolution 5/1 had been adopted thanks to the vigorous action and spirit of initiative of Mr. de Alba, the Council's President, and of the six facilitators, and to the efforts of all delegations. Guiding principles had been approved, together with a programme of work. The complaint procedure had been improved and an Advisory Committee had been established. The rules concerning the review, rationalization and improvement of special procedures mandates had been drawn up and there should be no going back on the compromise reached on the review of mandates, whose purpose was to improve the special procedures system and not to weaken it. It was essential to ensure the effectiveness of the innovative and extremely promising universal periodic review which would begin to function in April 2008.

15. Although tangible results had been obtained during the institution-building phase, the final compromise did not reflect all the objectives of the European Union, or of other stakeholders. It should be noted that, in contradiction to the principle of non-selectivity, the agenda included one item devoted solely to the human rights situation in the Occupied Palestinian Territory and another covering all other cases. While it was right and proper that the Council should address the human rights situation in the Occupied Palestinian Territory, it should do so under one agenda item covering all situations. Moreover, the

number of special rapporteurs responsible for examining the human rights situation in various countries had been reduced, whereas the Council should have taken the opposite course of action.

16. Nevertheless, the Council had all the instruments it needed to be more effective than the Commission on Human Rights. It was up to its members and the international community to ensure that it duly performed its functions. It should be encouraged to meet the expectations of the international community and, in particular, of the victims of human rights violations.

17. **Mr. Saeed** (Sudan), speaking on a point of order, queried the curiously rushed procedure being followed in respect of the agenda item concerning the report of the Human Rights Council (A/62/53), whose consideration had been referred to the Third Committee following a General Assembly resolution and a recommendation from the Bureau. It was regrettable that the statement of the President of the Human Rights Council had not been distributed to delegations. Normally the Third Committee was given an opportunity to examine that kind of document before its presentation, which was then followed by an interactive dialogue. That was how the general debate usually began. He wondered why the presentation of the report had not been followed by questions and answers. It was not up to the President of the Human Rights Council to decide whether he wished to appear before the Committee. He wished to know who had decided what action would be taken on the General Assembly resolution and would appreciate clarification.

18. **Mr. Khane** (Secretary of the Committee) said that the report of the Human Rights Council had been issued long ago and had been distributed to delegations. It was up to delegations and speakers to decide whether they wished to circulate a written copy of their statements. That agenda item had been allocated to the Third Committee that very morning.

19. He also invited delegations to refer to the General Assembly resolution, which provided that an interactive dialogue could be conducted with senior officials of the Secretariat who were introducing a report of the Secretary-General, with special rapporteurs or with special procedures mandate holders of the Council. The report which had been presented did not fall into any of those categories.

20. **Mr. Costea** (President of the Human Rights Council) said that the questions raised by the representative of the Sudan showed how much interest had been aroused by the report on the activities of the Human Rights Council. The modest statement he had just delivered did not constitute a full report on the Council's activities and contained only a few ideas he wished to share with delegations. The text of his statement would be posted quite transparently on the Council's website and would be accessible to all. He would supply the representative of the Sudan with a copy of the text of his statement, if he so wished. The report on the Council's work had been issued in the six official languages of the United Nations. In his capacity as President of the Human Rights Council, he was prepared to follow any procedure approved by States, as was their right.

21. **Mr. Malmierca Díaz** (Cuba) said that the Human Rights Council had been set up because the Commission on Human Rights had been discredited by the political manipulation, hypocrisy and double standards imposed on it by the United States and its Western accomplices. Cuba had always defended the multilateral system for promoting and protecting human rights. That system was based on the principles set forth in the Charter of the United Nations, which were diametrically opposed to the thirst for hegemony and the selfish interests of Washington. Having voted for General Assembly resolution 60/251, which had established the Human Rights Council, Cuba, in keeping with the mandate given to it at the fourteenth Summit Conference of Heads of State or Government of the Movement of Non-Aligned Countries, had endeavoured to prevent the manipulation of human rights for political ends in the new body.

22. Although the mechanism which had been established as the result of negotiations had some shortcomings and deficiencies, when all was said and done, it was favourable to third world countries. It was to be hoped that the universal periodic review mechanism would not become politicized. The United States was the sharpest critic of the Council. It yearned for the Commission on Human Rights, which had allowed it to hush up the abominable crimes it had committed in Guantánamo and Abu Ghraib and which has approved, almost automatically, resolutions directed against some countries of the South and suited to its geopolitical interests.

23. He denounced delaying tactics designed to obstruct the adoption of the report of the Human Rights Council (A/62/53) and took issue with the calling into question of the delicate international consensus achieved in June 2007 after the adoption of Human Rights Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 containing the Code of Conduct for Special Procedures Mandate holders of the Human Rights Council. He reaffirmed his country's support for the Council, the universal periodic review mechanism and the special procedures mandate holders and stressed the importance it attached to dialogue and cooperation. He was also pleased that the spurious anti-Cuban mandates imposed by the United States had disappeared at the same time as the Commission on Human Rights.

24. **Mr. Vigny** (Switzerland) expressed his delegation's satisfaction that the report of the Human Rights Council (A/62/53) had been adopted by consensus. Having completed the phase of institutional consolidation, the Council and could turn its attention to its mandate of promoting universal respect and protection for human rights and fundamental freedoms. Member States should work for a proper balance between the Third Committee and the Council in order to avoid duplication and to achieve the maximum effectiveness and credibility.

25. With regard to the presentation of the report, his delegation considered that the procedure adopted at the sixty-first session had been more in keeping with General Assembly resolution 60/251. It was regrettable that, at the current session, the report would be presented only to the Committee. Such a procedure should not constitute a precedent for the sixty-third session.

26. His delegation looked forward to the start of the universal periodic review in the spring of 2008, which would facilitate a transparent system based on constructive dialogue and not on confrontation, thus giving the international community the means to identify the efforts that needed to be made to improve the human rights situation in every country. The countries being examined first, including Switzerland, would need to ensure that they fully satisfied expectations.

27. The special sessions of the Council on the situations in Darfur and Myanmar had proved that it was capable of reacting fast and effectively. In that context, he stressed that the Council's work in specific situations should be duly taken into account by the General Assembly, in order to give the Council's resolutions time to take effect on the ground.

28. Lastly, the culture of dialogue that all States Members of the United Nations wished to see established must be strengthened and members of the Council must in future demonstrate their willingness to negotiate and adopt a more coherent approach that was more in keeping with their voluntary pledges.

29. **Ms. Blum** (Colombia) said that her delegation welcomed the General Assembly's decision to allocate the consideration of the report of the Human Rights Council to the Third Committee, which was the main United Nations human rights body. With regard to the establishment of the Council's institutions, she noted in particular the adoption of the universal periodic review mechanism. Colombia would be one of the countries whose human rights situations would be considered in 2008. Notwithstanding the contribution that the mechanism could make to the cause of human rights, however, the Council should not replace or duplicate the work of the treaty bodies or the regional human rights courts.

30. She welcomed the introduction of a code of conduct for special procedures mandate holders and recognized the importance of their work. Several had paid mission visits to Colombia. The introduction of the code of conduct would provide an opportunity to rectify certain irregularities. States would be able to use it to require mandate holders to focus on the implementation of their mandates, with the result that they would avoid duplicating other mechanisms or straying into areas requiring special expertise. The code of conduct would strengthen the objective, impartial, fair, effective and constructive work of the special procedures mandate holders, without affecting their independence.

31. Her delegation attached importance to the review, rationalization and improvement of mandates. The Council should embark on such a review without delay, so as not to prolong transition periods or generate uncertainty about the future of any mandate. The elements making up the Council's institution-building were the result of a compromise within the Council. The General Assembly should therefore support the implementation of the scheme.

32. **Mr. Saeed** (Sudan) said that the establishment of the Human Rights Council represented progress in a world in which the political landscape had undergone such enormous changes that the United Nations no longer fully reflected it. Faced with a new situation, the Organization had been forced to adopt reforms in order to revitalize its human rights procedures. The Council had been established to avoid the errors and the distortions of the past and, on the basis of dialogue, cooperation, objectiveness and impartiality, to examine the human rights situation throughout the world.

33. His delegation hoped that the Council's work would be instrumental in putting an end to all the human rights violations suffered by indigenous peoples and immigrants, particularly in Europe, and investigating flagrant violations in Guantánamo Bay and secret prisons.

34. The Council had been established to deal with all rights without distinction, including economic, social and cultural rights, which had been neglected by the Commission on Human Rights in favour of civil and political rights. Efforts should be made to establish mechanisms to monitor and punish those who violated economic and cultural rights, which were important in a world where damage had been done to religion, diversity, coexistence and the moral and ethical foundations of society and the family.

35. His delegation had participated in the open-ended working groups set up to make specific recommendations in accordance with the resolution establishing the Council. Such recommendations could be the harbinger of a new era of human rights, avoiding the harmful practices that had paralysed the Commission and encouraged politicization, selectivity and double standards.

36. His delegation welcomed the adoption of Human Rights Council resolution 5/1 containing the institution-building package, which it considered balanced and reasonable and which, among other provisions, described the procedure of the universal periodic review, the criteria for selecting and appointing mandate holders under the special procedures, the Advisory Committee of the Human Rights Council, the complaint procedure, the agenda and the framework for the programme and methods of work of the Council.

37. The most important aspect of the resolution was the adoption of the code of conduct for special procedures mandate holders of the Human Rights Council, which provided an ethical framework and obliged mandate holders to show respect for the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights in their work.

38. The Third Committee was considering the Council's report in accordance with the resolution adopted by the General Assembly and in recognition of the fact that it played an essential role in human rights. Action should be taken to strengthen its role in such a way as to supplement the activities of the various human rights bodies. The relationship between the Committee and the Council should be reconsidered in an objective manner and the Council's status should be clearly defined. In view of the fact that the Committee had a broader and fuller membership than the Council, it made sense that it should consider the Council's report. He urged Member States to see the matter in that light.

39. His delegation was convinced that all human rights and fundamental freedoms should be promoted and protected through cooperation and dialogue. The Sudan had itself signed and ratified a large number of international and regional human rights instruments.

40. **Mr. Kang** Byong-jo (Republic of Korea) said that his delegation was not entirely satisfied with the results of the discussions that had led to the adoption of Human Rights Council resolution 5/1 on the Council's institution-building process. Although it continued to be doubtful about the validity of the decisions made, it considered that the course that had been adopted should be pursued. All States should continue to support the Council's work and give it their trust.

41. The universal periodic review mechanism was one of the most important elements of the Council. The most decisive factor in its success would be the collective will of all the participating stakeholders, including Governments, international organizations and non-governmental organizations (NGOs). Concerned, however, that lack of resources could constitute an obstacle, he called on the Office of the United Nations High Commissioner for Human Rights to provide technical support to countries that needed it.

42. His delegation also believed that the synergies generated by the relationship between the Council, the High Commissioner and the treaty bodies would contribute significantly to the functioning of the

universal periodic review mechanism at the global level. The relationship between the Council and the United Nations human rights machinery was also important, and the unique influence of the General Assembly should not be underestimated. The combination of country-specific human rights resolutions and the universal periodic review mechanism would contribute to the realization of human rights for all.

43. It was disheartening that gross and systematic human rights abuses persisted in many parts of the world. His delegation joined others in the view that the Human Rights Council should respond to such appalling abuses by adopting practical measures. It therefore fully supported the strengthening of the Office of the High Commissioner, both at Headquarters and in the field. It appreciated the work of the special sessions relating to Darfur and Myanmar and welcomed the achievement of substantial progress on the issues of accountability and transparency among Governments that abused and suppressed their own people. His delegation strongly supported the adoption of country-specific reports by the Council and the General Assembly; that was one of the most effective ways of increasing global awareness of human rights violations committed by Governments.

44. Lastly, he expressed the hope that the Council would, in formulating its future activities, take into account the criticisms of its work so that it could truly serve the cause of human rights, in all situations and in all countries.

45. **Ms. Zhang** Dan (China) said that the greatest achievement of the Human Rights Council since its creation had been the adoption by consensus of the institution-building package. While far from perfect, the package was the result of arduous work throughout the whole year in which China had played an active part. She hoped that the General Assembly would adopt the package at its sixty-second session. The new universal periodic review mechanism would enable the human rights situations in all countries to be reviewed while respecting the principles of objectivity, universality, equity and non-selectivity. It would also promote dialogue and cooperation among countries. All those factors were essential to avoid repeating the mistakes committed by the Commission on Human Rights. She called for caution in proposing country-specific human rights resolutions and noted that if such resolutions proved to be necessary, they should respect the views of the regional group to which the country concerned belonged. She added that Member States bore full responsibility for safeguarding the credibility of the Council, which must be free from political manipulation and genuinely committed to the promotion and protection of human rights based on respect for the principles of objectivity, fairness and equality.

46. **Mr. Lukiyantsev** (Russian Federation) explained that the Russian Federation had already commented on the issue of the Human Rights Council in its statement on agenda item 70. While the creation of the Council was a practical step towards reform of the United Nations, General Assembly resolution 60/251 was not sufficient to make the Council a truly effective body capable of promoting cooperation and dialogue on human rights. His delegation supported the institution-building package adopted by the Council at its fifth session in June 2007 and urged the General Assembly to proceed to its swift adoption. He drew attention to the fact that the draft decision submitted to the Third Committee referred only to one of the two texts establishing the package: resolution 5/1. Resolution 5/2 did not appear in the draft decision. He hoped that the omission was merely a technical error which could be corrected before the Third Committee voted on draft resolution A/C.3/62/L.32.

47. **Mr. Ritter** (Liechtenstein) said that the report of the Human Rights Council, which took its decisions autonomously, should be submitted to the plenary Assembly.

48. The institution-building package adopted in June was a typical compromise solution inasmuch as it did not fully satisfy the interests of anyone. While his delegation would have preferred a different outcome, it believed that the package, which dealt with the universal periodic review mechanism, the Advisory Committee and the special procedures, including the selection of mandate holders, would finally provide the Council with all the tools foreseen under General Assembly resolution 60/251. The Council continued to face clear difficulties, which must be overcome. However, it was impossible to pass judgement on its performance at the current time. While States members of the Council were responsible for upholding the highest standards in the promotion and protection of human rights, the periodic review mechanism offered other States the possibility of active participation in

reviewing the human rights situations in different countries.

49. His delegation welcomed the holding of the fifth special session of the Human Rights Council on the human rights situation in Myanmar, which had enjoyed the support of many delegations from all regions. The convening of that special session reflected the severity of the crisis and showed that the Council was able to assume its responsibilities and to respond promptly to gross and systematic human rights violations. However, the full cooperation of the respective Governments was essential to make real improvements in the situation on the ground.

50. **Archbishop Migliore** (Observer for the Holy See) said that he deplored the violations by many States, including some member States of the Human Rights Council, of the rights set forth in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as other international legal instruments. In his view, such violations often arose from the belief, still well entrenched, that it was power that ultimately determined the content of human rights. However, human dignity should be seen as the source that gave rise to all rights. He called on the Council to bridge the gap that existed between all international legal instruments relating to human rights and their actual implementation. The States that were members of the Council had a responsibility to implement the legal instruments in question as faithfully as possible.

51. The outrages perpetrated against the followers or the spiritual or moral symbols of a large number of religions were a worrying phenomenon which threatened peace and social stability and directly violated human dignity, particularly the right to freedom of religion. In that regard, he hoped that the Human Rights Council would elaborate and adopt a new resolution on respect for the right to freedom of religion for adherents of all faiths. The resolution should advocate dialogue among believers and also with non-believers.

52. **Ms. Mtshali** (South Africa) said that South Africa had been a member of the Human Rights Council since its creation in 2006. She believed that if the international community wanted to ensure universal access to all human rights — civil, political, economic, social and cultural rights, including the right to development — it must prioritize the achievement of the Millennium Development Goals and the fight against poverty and underdevelopment.

53. She welcomed the fact that the Council had succeeded in establishing its institutional mechanisms within one year, as stipulated in General Assembly resolution 60/251, and added that South Africa unreservedly supported the institution-building package, including the Code of Conduct for Special Procedures Mandate Holders. The promotion and protection of human rights should be based on dialogue and cooperation, particularly for capacity-building, and the universal periodic review mechanism offered good prospects in that area. In her view, the mechanism was an essential instrument for combating the selectivity and politicization that had characterized the Commission on Human Rights. The credibility of the Council would depend on the success achieved in the implementation of that mechanism. Country-specific mandates used as political tools should be eliminated since they did not advance the cause of human rights.

54. **Ms. Kolontai** (Belarus) welcomed the adoption by consensus of the institution-building package of the Human Rights Council. The establishment of a universal periodic review mechanism should eliminate all subjectivity from a review of the situations in different countries. Her delegation supported an effective special procedures system which would ensure compliance with all categories of rights, including the right to development. It was essential for special procedures mandate holders to demonstrate impartiality, which had not always been the case. Her delegation therefore supported the initiative of the Group of African States, which aimed to elaborate a code of conduct for special procedures mandate holders.

55. She believed that it was necessary to find a way to minimize the risk of political manipulation in the introduction of country-specific resolutions; for example, by establishing a minimum number of sponsors for the submission of such resolutions.

56. The Council had already demonstrated that it could resolve human rights issues competently and effectively and that it could respond to crisis situations. The Council had held five special sessions on issues calling for immediate attention by the international community. It also tended to adopt its decisions by consensus, which was particularly important for the

main human rights body of the United Nations. She noted, however, that the Third Committee was a theatre for settling scores and that it continued to adopt politically motivated resolutions with the support of less than half the delegations. The responsibilities of the Human Rights Council and those of the Third Committee should therefore be clearly delineated. She believed that the Human Rights Council had the necessary means to carry out its functions and to review how countries honoured their human rights commitments.

57. **Ms. Jahan** (Bangladesh) welcomed the fact that the Human Rights Council had completed its work on institution-building within the stipulated time. The adopted text laid out the basic structure of the Council, including the universal periodic review mechanism, the special procedures, the Advisory Committee and the complaint procedure. She called on the General Assembly to implement the Council's recommendation by adopting the text. The periodic review mechanism should help to create a climate of mutual trust by promoting respect for the principles of non-selectivity, universality and impartiality. In the medium-to-long term, it should also put an end to country-specific special procedures, which were often controversial. In her view, the streamlining of the procedure for the appointment of special procedures mandate holders had been a major achievement. However, disappointed that there had scarcely been any progress on the review and rationalization of mandates, she hoped that that state of affairs would be rectified as soon as possible. She reiterated her delegation's support for the work of the Office of the United Nations High Commissioner for Human Rights and welcomed the holding of interactive dialogues between Council members and the High Commissioner during the sessions of the Council, since such dialogues fostered cooperation and coordination.

58. **Mr. Rastam** (Malaysia) said that his delegation welcomed the adoption by consensus on 18 June 2007 of the Council's institution-building package. It was vital that the institution-building package, which was the result of a year-long series of consultations, was not reopened.

59. It was his country's view that collective work in the area of human rights could be better served by adopting a constructive approach through genuine cooperation and dialogue. The universal periodic review mechanism, which represented the most significant innovation of the new Council, provided a good alternative to country-specific reports, which in the past had precipitated politicized discussions that obscured the real issue, namely, human rights situations on the ground.

60. His delegation wished to focus on the issues of the special procedures mandate holders and the code of conduct and to emphasize the need for transparency and clarity in those matters. The appointment of mandate holders should correspond to the various categories of rights in a balanced and equal manner, avoiding selectivity. Consideration of the existing number of mandate holders, including those country-specific mandates which mainly focused on civil and political rights, showed that such a balance did not exist. Mandate holders should be independent but should also be accountable to the Council and play a leading role in promoting human rights in a constructive and cooperative manner.

61. Malaysia continued to maintain that the special procedures should focus on thematic issues given that other mechanisms within the Council addressed country-specific issues. If country-specific mandates could not be avoided, they should meet certain requirements. Malaysia believed that the consent of the countries concerned was important if the mandate holders were to function in an effective manner.

62. The Human Rights Council should ensure greater coordination among the mandate holders accountable to it. It should implement the standardization of mandates and the coordination of working methods, as stated in the Code of Conduct.

63. Malaysia wished to stress, first of all, that mandate holders' exercise of independence must go hand in hand with their exercise of responsibility. Preservation of their independence would ensure that they were able to carry out their mandates objectively and impartially. However, their independence must not extend beyond the exercise of their prerogatives as mandate holders. Second, the Council must emphasize the Code of Conduct in order to ensure the necessary transparency.

64. Mandate holders should understand and accept the complexity of their mandates and their approach to Governments should be non-confrontational. Cooperation must be mutual. His delegation also underscored the importance of recommendations that were practical, fully taking into account the complexity of particular situations.

65. On a final note, Malaysia wished to acknowledge the contribution of NGOs and national human rights institutions (NHRI) in the promotion and protection of human rights, just as the Council had done by increasing the space for the participation of those organizations and institutions in its work.

66. **Mr. Vassylenko** (Ukraine) said that his country had always attached great importance to the Organization's activities in the area of promotion and protection of human rights and fundamental freedoms. From the outset, it had provided its full support to the reform of the Commission on Human Rights, which had been replaced by the Human Rights Council. The establishment of the Human Rights Council represented a significant step in the implementation of commitments made by Heads of State and Government at the 2005 World Summit and confirmed the aspiration of the international community to usher in an era that promoted and protected human rights.

67. As a founding member of the Council, Ukraine played an active role in its work and made every effort to ensure its effectiveness, maintain a constructive dialogue, strengthen international cooperation and ensure the application of international standards in the area of human rights. It welcomed the institution-building of the Council and looked forward to formal adoption of the package by the Assembly.

68. Ukraine supported the universal periodic review mechanism because it promoted objectivity, impartiality and non-selectivity and it eliminated double standards and politicization. In addition, his delegation welcomed the incorporation of the system of special procedures into the structure of the Human Rights Council.

69. Special attention should be paid by the Council to the environmental dimension of human rights in order to respond effectively to new challenges. Humankind was confronted by an environmental crisis of planetary dimensions, which posed a serious threat to human security and fundamental human rights. Fighting ecological degradation must go hand in hand with the protection of human rights. His delegation believed that the adoption of appropriate standards by the Council would contribute to the protection of the earth for the benefit of humankind.

70. Ukraine hoped that the Council would live up to the expectations of the international community and would work to ensure the effective implementation of the Council's mandate with a view to enhancing the Organization's role in promoting and protecting human rights throughout the world.

71. **Mr. Labbé** (Chile) said that human rights constituted a fundamental pillar of his country's foreign policy. His delegation believed that the Human Rights Council, the only United Nations entity whose core objectives were the protection and promotion of human rights and fundamental freedoms, represented a very valuable forum.

72. Membership of the Council bestowed a great responsibility on States and, with its useful experience in the area of human rights, Chile was ready to shoulder the task. However, responsibility for the work of the Council lay not only with individual members but also with the international community as a whole.

73. The universal periodic review mechanism, which would allow for the evaluation of the human rights situation in all States on an equal basis and which had been developed with the participation of all delegations, must genuinely address the needs of victims and facilitate constructive dialogue with States in order to enable them to align their domestic legislation with international norms.

74. Chile also attached great importance to the system of special procedures and its action to prevent human rights violations. His country was one of those with practical experience in that area. The establishment of the Ad Hoc Working Group on Chile in 1975, the appointment of a Special Rapporteur on the situation of human rights in Chile, and the adoption of related resolutions by the General Assembly and the Commission on Human Rights had all helped to save lives. On the basis of that experience, Chile had sponsored the resolution on basic principles and guidelines on the right to reparation for victims of human rights violations.

75. His delegation wished to reiterate that the Human Rights Council should have the legal standing it deserved.

76. **Mr. Vundavalli** (India) welcomed the General Assembly's decision to allocate the agenda item entitled "Report of the Human Rights Council" to the Third Committee. As the Council was a subsidiary body of the General Assembly, it was natural that all its reports and recommendations should be transmitted to the General Assembly through the Third Committee,

which had the greatest expertise on human rights issues. Nevertheless, in view of the delay which could occur in the consideration of the report on account of the two bodies' different schedules, the Third Committee should demonstrate greater flexibility so that the Council's report could be examined in a timely manner in New York. It was also essential to avoid duplication in the drafting and presentation of reports by special rapporteurs and other mechanisms.

77. India commended the institution-building of the Human Rights Council as well as the Council's swift consideration of various human rights emergencies at special sessions since June 2006.

78. The universal periodic review mechanism had the potential to foster cooperation and dialogue. The mechanism should make it possible to conduct a completely transparent and objective assessment of the human rights situations in countries, to facilitate the sharing of best practices and the provision of technical assistance and to contribute to capacity-building in consultation with, and with the consent of, the country concerned. Since the mechanism was likely to evolve, the Council should review its modalities. India, as a founding member of the Council, would undergo review during the first cycle in early 2008.

79. While some progress had been made with the review and rationalization of the special procedures thanks to the holding of an interactive dialogue, much remained to be done. The Council must perform a complex task within a tight deadline. India welcomed the adoption of resolution 5/2 setting out a code of conduct for special procedures mandate holders, which it hoped would improve their impartiality and objectivity, maintain their independence and increase their accountability to the Council.

80. A spirit of cooperation and mutual understanding should guide the work of the Council, which should constantly strive to promote human rights through international cooperation and dialogue among Member States, as well as through capacity-building and mutual assistance.

81. The Council's efforts to translate the right to development into reality and to turn theory into practice were encouraging. India commended the significant contribution of the Working Group on the Right to Development, whose three-phase road map constituted a significant step forward in the periodic evaluation of the global partnership for development.

82. India remained committed to making the Human Rights Council an effective body for promoting and protecting human rights and fundamental freedoms for all.

83. **Ms. Abdelhak** (Algeria) welcomed the decision taken by the Bureau of the General Assembly to allocate the consideration of the report of the Human Rights Council to the Third Committee, whose expert knowledge could only strengthen the Council's action. She hoped that that arrangement would be continued until the Council reviewed its work and functioning in 2011.

84. The report permitted an accurate assessment of the Council's achievements during its first year of existence, which had been eventful and decisive for its future and its functioning. The transitional process in which Algeria had participated by coordinating the African position had not prevented the Council from convening, in addition to five regular sessions, five special sessions devoted to situations giving rise to concern.

85. The package adopted by consensus had been accepted in a spirit of dialogue and compromise and, even if it was not free of ambiguity and did not fully satisfy all States, it provided the Council with mechanisms enabling it to protect and promote human rights. Algeria, for example, was not really happy that the right to self-determination had not been included as a separate item on the Council's agenda, but it had joined the consensus all the same.

86. Her delegation hailed the two innovations constituted by the code of conduct and the universal periodic review mechanism. They represented a genuine step forward and a further sign that the Council members were committed to an approach based on transparency, dialogue and cooperation.

87. The universal periodic review mechanism should be adequately funded, for it would make it possible to assess the implementation, by all States without exception, of the human rights obligations they must assume and to make recommendations designed to improve States' performance of those obligations. Algeria would be among the first States to be reviewed in 2008 and it intended to cooperate and participate in the dialogue.

88. The code of conduct, which had been unanimously adopted, did not in any way hamper the

activities of mandate holders, but rather was a means of increasing their independence, moral authority, credibility and efficiency.

89. Algeria intended to become a modern, law-based State espousing the values of humanism and a focal point of fundamental freedoms in the region. Her Government therefore hoped that the Council would help to pinpoint the deficiencies and weaknesses which still barred its path to that goal.

90. **Mr. Abreu e Lima Florêncio** (Brazil), also speaking on behalf of Argentina, said that since the beginning of the negotiation process which had led to General Assembly resolution 60/251, both countries had fully supported the establishment of the Human Rights Council which they regarded as a major step in strengthening the promotion and protection of human rights.

91. Brazil and Argentina believed that the Council must live up to the expectations of Member States and civil society. It should therefore be consolidated and, to that end, its report should be considered in such a way as to preserve its integrity. The work of the Council and the Third Committee was complementary and the two bodies were not in any sort of competition with one another. Hence it was vital to establish a clear division of labour between them.

92. A crucial juncture had been reached in respect of the Council's future work. During the first year of its existence, efforts had been focused on institution-building, and the package adopted by consensus in Geneva — the fruit of strenuous negotiations among all parties — was a balanced compromise which should open the way to improvements in the system for protecting human rights. In particular, the universal periodic review mechanism was essential in order to avoid the excessive politicization and selectivity which had sometimes characterized the deliberations of the Commission on Human Rights.

93. Argentina and Brazil had joined the consensus to allocate the consideration of the report of the Human Rights Council to the Third Committee in view of the circumstances, but it was their understanding that that decision did not set a precedent. The institution-building process should be further reinforced; the reopening of the report of the Human Rights Council by the Third Committee would undermine its credibility.

94. **Mr. McNee** (Canada) said that consideration of the report of the Human Rights Council showed that while much had been achieved, much still remained to be done to make the Council a truly efficient, responsive and credible institution that produced results.

95. On the positive side, Canada welcomed the Council's substantive consideration of the human rights situation in many countries, as well as the enhanced participation of civil society in the Council's deliberations. Canada was also pleased that the Council had called special sessions to examine specific situations, and that the system of special procedures, for whose independence Canada had worked hard and which it would continue to promote, had been maintained. The Council had also established a process for the universal periodic review, which would make it possible to review the human rights performance of all countries. Canada was pleased to observe that all stakeholders would be able to participate, including the country under review, NGOs and the Office of the High Commissioner for Human Rights.

96. On the other hand, Canada remained concerned about a number of matters. The efforts during the institution-building phase to weaken the human rights system had not, in fact, succeeded, but the disproportionate focus on Arab-Israeli issues, and the one-sided nature of the associated resolutions, undermined the Council's credibility. It was for that reason that Canada had not been able to agree to an institution-building package that had included an agenda with a separate item on one — and only one — specific situation. That had been a historic opportunity for Council members to put into practice the principles which the General Assembly had set out for the new body. Major progress had been made in institution-building and tremendous effort invested to give the Council the tools it would need, but in the final hours of the fifth session, agreement on a package had been declared when in fact it did not yet exist, doing a disservice to the Council and to the causes it espoused.

97. During the General Assembly's consideration of the Human Rights Council's first report, Canada had noted that the Council was not an end in itself, but a means to an end, namely that of making a positive difference in the lives of people around the world. The Council's fifth session had demonstrated that there was still much to be done in order to fulfil the promise of

General Assembly resolution 60/251. Canada pledged to give its fullest cooperation to that end.

98. **Ms. Banks** (New Zealand) noted that following the institution-building phase, the Human Rights Council was now in a position to move forward into implementation. Effectively, the Council would be in regular session throughout the year, which would represent a challenge for all Member States. Transparency and predictability in the work of the Council, a clear programme of work, timely notice of initiatives and open negotiation of decisions would all be essential if the Council was to deliver on the expectations of the international community. It would be important, too, to respect the roles of the Council and of the Third Committee in order to ensure that they functioned in a complementary manner.

99. New Zealand accepted that for the Human Rights Council to be a credible and effective institution, it needed to be realistically resourced. Thanks were due to the Office of the High Commissioner for Human Rights for the support it had provided to the Council; that Office must receive the necessary resources in order to be able to provide the additional support that the Council had requested.

100. It was also essential in the coming months to ensure that a gender perspective was integrated into the Council's work. New Zealand encouraged all stakeholders to give serious consideration to nominating experienced and well-qualified female candidates for posts in the Council's new bodies and to integrate a gender perspective in the renewal and establishment of special procedures.

101. The first session of the universal periodic review in April 2008 would mark an important milestone for the Council. New Zealand encouraged all stakeholders to engage with honesty and commitment in what it was hoped would be a participatory and inclusive process.

102. New Zealand had been active in the establishment of the Human Rights Council and remained ambitious for its future. In that context, it had announced its intention to stand for election to the Council in 2009.

103. New Zealand would have much preferred the Council's report to have been submitted first to the plenary Assembly and then to the Third Committee, as in the previous year. That was a matter for careful consideration before the sixty-third session, so that an appropriate decision could be taken.

The meeting rose at 6.10 p.m.